

Our Human Rights Act

Questions and Answers



At BIHR, we get asked a lot of questions about the Human Rights Act.



In this guide, we answer the questions people ask us the most.



You can click on one of the questions on the next page to jump to the answer, or you can read through them one by one.

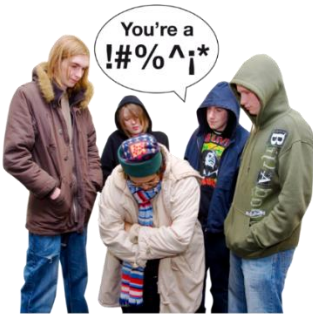
Questions

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Hard Words Explained

If you read a word that is hard to understand and it is in the colour **red**, you can read the meaning of the word here.



Discrimination

Being treated unfairly because of who you are. For example, because of age or disability.



Duty

An action someone must do because it is part of their job.



Public Services

Public services are organisations that serve the public. They are usually paid for by the government. The NHS, local authorities, police, public schools, fire brigade are examples of public services.



Safeguarding

Protecting people's health, safety, wellbeing and human rights.



Harm

Serious harm is when something makes us feel very scared, bad about ourselves, or causes us a lot of pain.



Wellbeing

Wellbeing means physical and mental health.

What are human rights?



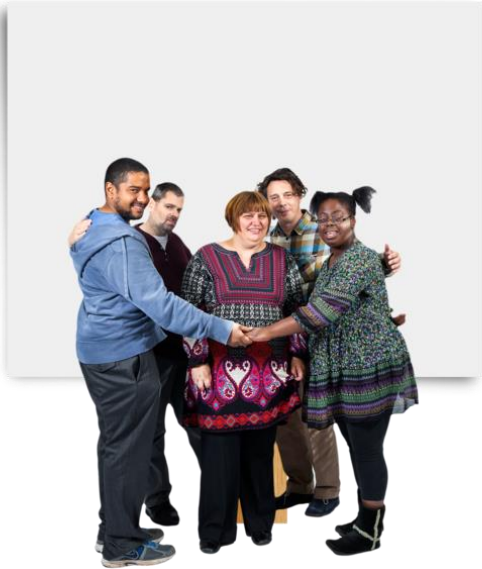
Human rights are basic freedoms and protections that every person has.



We all have human rights, just because we are human. They are not rewards for being good. They belong to everyone.



Human rights make sure people are treated with dignity, respect, and fairness. They make sure people are listened to and have a say over their lives.



Human rights protect you from being treated badly or unfairly.

When your rights are protected by the law, there will be a **duty** on someone to look after them.

What is the Human Rights Act?



The Human Rights Act is the law which protects our rights in the UK.

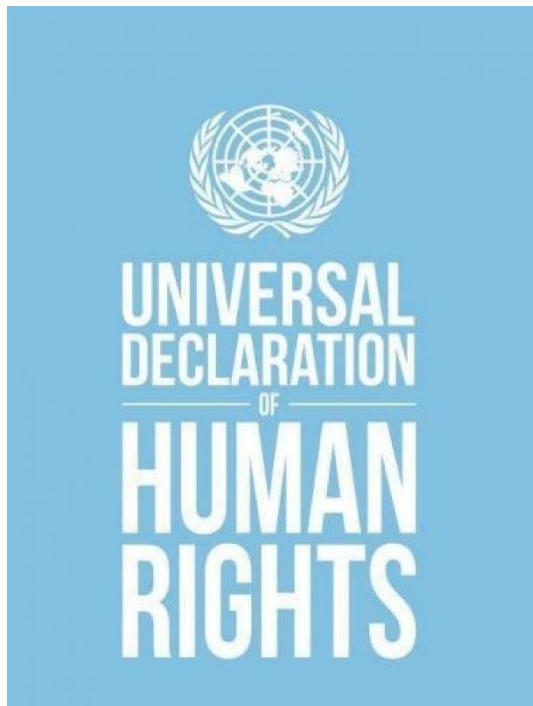


A law is a set of rules decided by the government which says what people can and cannot do. If you break the law, you could be punished.

Where does the Human Rights Act come from?

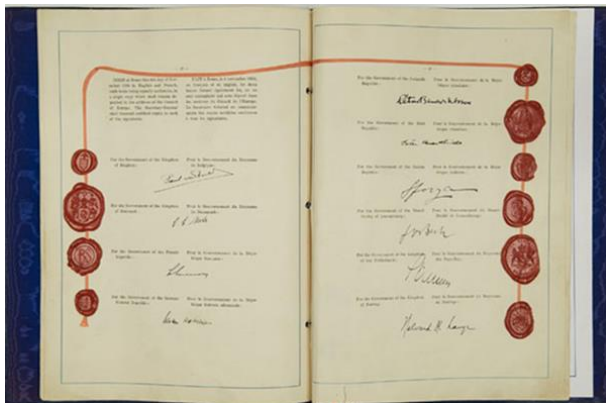


During the Second World War, terrible things happened to people and they were treated very badly.



Because of this, in 1948 governments came together to write a set of rules to protect people and say how they should be treated.

These rules were called the Universal Declaration of Human Rights.



In 1950, these rules and lots of other ideas were written into the European Convention of Human Rights and made into law across Europe.



The European Convention on Human Rights said that if you felt like your human rights were not being respected you could take your country to court. This Court is called the European Court of Human Rights. It is in a city called Strasbourg in France.



In 1998, the Human Rights Act became law in the UK.



The Human Rights Act takes the 16 rights (also called “Articles”) from the European Convention on Human Rights and makes them law in the UK.

Why do we need a Human Rights Act?



Before the Human Rights Act, people in the UK who wanted to take their human rights issues to court had to go to the court in Strasbourg.

This can take a long time and it costs a lot of money.



The Human Rights Act is also an important law because it should help everyone know what rights they have, and it should make sure staff know what they must do to look after people's rights.

Who does the Human Rights Act protect?



Everyone has human rights under the Human Rights Act.

You don't need to do anything to get your human rights, everybody has them.

How does the Human Rights Act work?

The Human Rights Act works in 3 ways:

1. It is the law that staff in **public services** must support your human rights.

NHS services, local councils, emergency services and public schools are examples of **public services**.





2. It is the law that all other laws and rules should always be used in way that respects and looks after your human rights.



3. If your human rights are not looked after, you can take a legal case to the courts.

What must staff do under the Human Rights Act?



Under the Human Rights Act, staff in **public services** have a **duty** to look after our human rights.

They must do 3 things:



1. Respect your human rights.

This means they must not stop you from having your rights except for very special reasons. For example, to keep you or others safe from serious harm.



2. Protect your human rights.

This means they should do what needs to be done to protect you. This is sometimes called **safeguarding**.



3. Fulfil your human rights.

This means when things go wrong and your rights have not been looked after, they must find out why this happened and try to stop it from happening again.

Does the Human Rights Act protect us all the time?



Yes. Staff in **public services** must meet their **duties** under the Human Rights Act all the time.

What human rights do I have?



There are 16 rights in the Human Rights Act.

BIHR has made Easy Read guides to all of the rights. [Click here to find out more about your rights.](#)

There are 2 different types of rights in the Human Rights Act: Some rights are called absolute rights.

This means staff can never treat you in a way that affects one of these rights.

For example, our right to be safe from serious harm is an absolute right.



The right to be safe from serious harm



Some rights are called non-absolute rights.

This means staff can sometimes make decisions that affect these rights, but they must make sure they pass a 3-stage test:

1. Lawful

There must be a law which allows staff to make that decision. For example, the Mental Health Act or the Mental Capacity Act.



2. For a good reason

There must be a good reason for making that decision. For example, to protect you or other people from harm.





3. Thought about properly

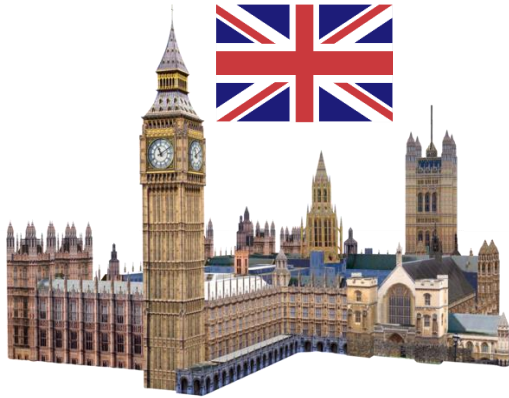
Staff should involve you in talks about your rights and think about all the things they could do to protect your rights. This is also called the least restrictive option.



For example, our right to private and family life, home and contact is a non-absolute right.

Staff can make decisions that affect this right, but only if their decision is lawful, for a good reason, and they have thought about it properly.

How does the Human Rights Act work in Parliament?



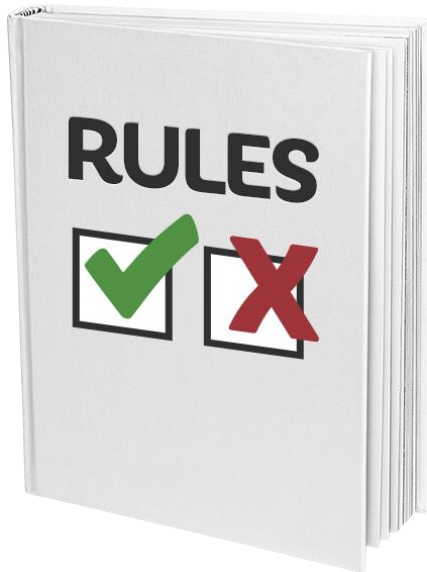
The UK Parliament is made up of two parts, called the House of Commons and the House of Lords.



They work together to make laws and check what the UK government is doing.



The UK Parliament is very powerful.



It can make any law or get rid of any law.



The Human Rights Act does not make Parliament any less powerful.



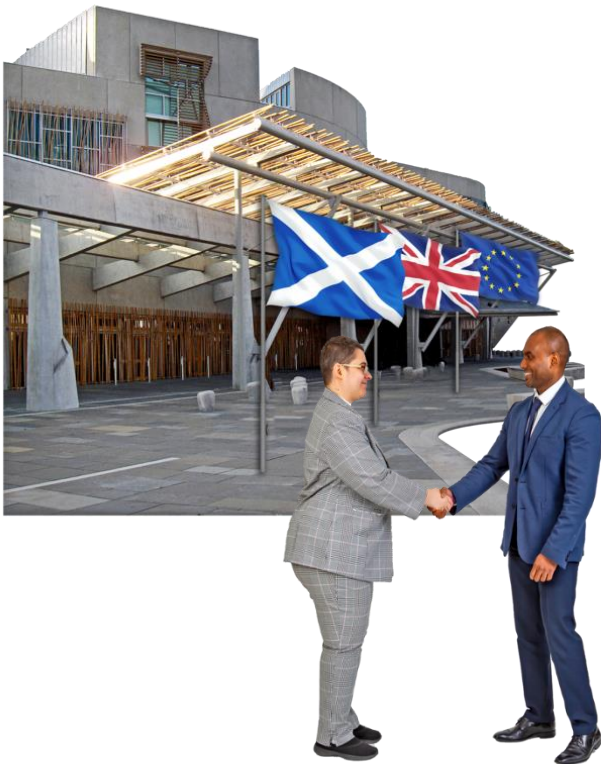
When making a law, the government has to say if the law will respect the Human Rights Act.



If the law does not respect the Human Rights Act, Parliament can still make the law.



This is not the same in Northern Ireland, Scotland and Wales.



The governments in Scotland, Wales and Northern Ireland have agreements with the UK government about what they can do.



They are not allowed to make laws which do not respect the Human Rights Act.



If a court decides that a Scottish, Welsh or Northern Irish law does not respect and look after human rights, that law should not be followed.

How can judges use the Human Rights Act?



The Human Rights Act means all other laws and rules should always be used in a way that respects and looks after your human rights.



This mean that if a law would not respect your human rights, judges in courts can view it in a way which respects human rights.



This does not mean that judges can change or get rid of laws.



Judges make decisions by thinking that Parliament wants to respect human rights



If judges think that a law does not respect human rights, they can tell Parliament that.



Parliament will then decide whether to change the law.



This does not mean that Parliament has to change the law.

Parliament can decide to keep the law the same.

What is the difference between the Human Rights Act and the Equality Act?



The Human Rights Act and the Equality Act are both laws that protect people from being treated unfairly. This is sometimes called **discrimination**.



The Human Rights Act applies mainly to staff in **public services**.

The Equality Act applies to public bodies as well as private bodies like shops and restaurants.



The Equality Act protects you from unfair treatment for 9 specific reasons, including age, disability, and sexual orientation.



The right to
be treated fairly

Article 14 of the Human Rights Act protects you from unfair treatment for any reason or more than one reason at the same time. For example, if you are a black female carer.



You might be able to use the Human Rights Act or the Equality Act or both of these laws to ask questions when you think you have been treated unfairly.

How does the Human Rights Act work across the UK?



The Human Rights Act protects people across the UK. It is an important law for governments in Scotland, Wales and Northern Ireland.



The governments in Scotland, Wales and Northern Ireland have agreements with the UK Government about what they are in charge of in those parts of the UK.



These agreements stop the governments in Scotland, Wales and Northern Ireland from making new laws that don't look after and respect human rights.



If a court decides that a Scottish, Welsh or Northern Irish law does not respect and look after human rights, that law should not be followed.

Did Brexit change our human rights?



The European Union (EU) is a group of countries in Europe that formed for political and financial security.



The UK was previously a member of the European Union, but the public voted to leave in 2016. Brexit is the name given to the UK leaving the European Union.



Our human rights in the Human Rights Act come from the European Convention on Human Rights.



The European Convention on Human Rights is written by the Council of Europe.



The Council of Europe is a separate organisation to the European Union. The UK is still a member of the Council of Europe.



This means that we still have the same rights as before. Brexit has not changed our human rights in the Human Rights Act.

What is the most important human right?



All rights in the Human Rights Act are important.



This is because all of the rights in the Human Rights Act make sure people are treated with dignity, fairness and respect.



All our human rights are equally important.



The rights all work together.



**The right to be safe
from serious harm**

For example, Article 3 of the Human Rights Act is the right to be free from serious harm.



This right means that staff in public services must not treat you in a way that causes you serious harm.



We are all different. What is serious harm for one person might be very different for another person.



If treatment does not cause serious harm for you, there may still be protection under the Human Rights Act.



Article 8 of the Human Rights Act is the right to respect for private and family life.



This right protects your wellbeing.



If decisions by a public authority cause you **harm**, this may impact your wellbeing.



This would be protected under Article 8 of the Human Rights Act.

How can I use the Human Rights Act?



The Human Rights Act can be used in courts, but most of the time people use it in their lives every day.



If you are treated badly by staff in **public services**, you can speak up if you think your rights are not being looked after.



You can talk to staff in **public services** about whether they are meeting their legal **duty** to look after your human rights.



You can also work with staff in **public services** to find better ways to sort out problems without the need to go to court or use a lawyer.

What happens if my human rights have not been looked after?



Your human rights might not have been looked after if a public authority did not meet their duties under the Human Rights Act.



If your human rights are not looked after, you can ask a public authority or public official to respect, protect and fulfil your rights.



If this doesn't change anything, you might be able to take a legal case to court.

What is happening with the Human Rights Act?



In 2020, the Government asked experts to tell them if the Human Rights Act was working well.



They asked lots of people what they thought about the Human Rights Act. Then they wrote a report saying what they found out.



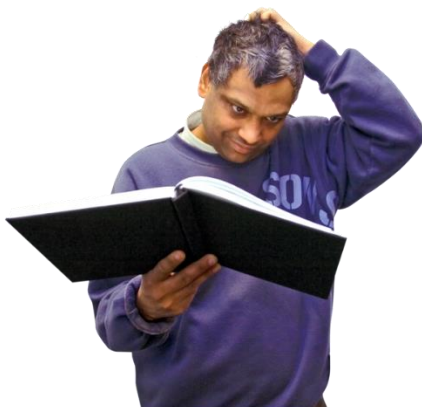
Most people said they like the Human Rights Act. The experts said no big changes were needed.



In December 2021, the Government shared a plan to change the Human Rights Act into a new law called a Bill of Rights.



They asked people what they thought of their plan.



The Government's plan was not easy to understand and they made it very difficult to respond.



On the 10th of May 2022, the Government said it will try to change the Human Rights Act into a Bill of Rights by next year.



The UK Government is not thinking about taking away any of the 16 rights we have.

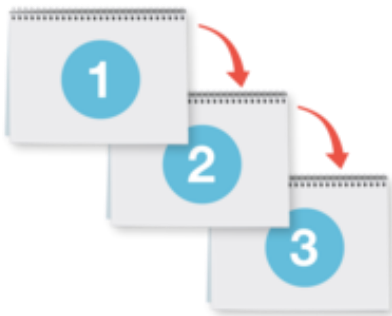


They say the UK will still follow international laws that protect human rights.



But, they want to make big changes about how our rights work and how they protect us.

What can I do to stop the government changing the Human Rights Act?



We are now waiting to see what the Government's next steps will be.



You can join our campaign list to find out about any updates by email.

[Click here to sign up.](#)

Lunch & Learn Campaigning Workshops



You can come to our campaigning workshops about how to protect our Human Rights Act. These are not easy read events.

[Sign up here.](#)

What if my question has not been answered?



To make sure you get the newest version of this guide, you can:

- Check our website – [click here](#).
- Sign up to get emails about changes to the Human Rights Act – [click here](#).
- Sign up to our monthly newsletter – [click here](#).